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In re Application of
CHRISTOPHERS et al.
Application No.: 09/868,569
PCT No.: PCT/EP00/00776
Int. Filing Date: 01 February 2000
Priority Date: 01 February 1999
Attorney Docket No.: SCH 1813 A
For: HUMAN ANTIBIOTIC PROTEINS

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed 20 June 2001.

BACKGROUND

On 01 February 2000, applicants filed international application PCT/EP00/00776, which claimed a priority date of 01 February 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 August 1000. The twenty-month period for paying the basic national fee in the United States expired at midnight on 01 October 2000.

On 20 June 2001, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the instant "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 20 June 2001.

As to item (2), applicants submitted the petition fee of \$1,240.00 on 20 June 2001.

With regard to item (3), petitioner has provided the required statement.

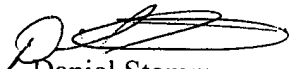
A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring: a translation of the application into English; the processing fee under 37 CFR 1.492(f) for providing the translation later than twenty months from the priority date; an oath or declaration in compliance with 37 CFR 1.497(a)-(b); and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than twenty months from the priority date.



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